

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAY 28 2013

Clerk, U.S. District Court
District Of Montana
Missoula

SARA SHELLENE NOZISKA,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT,

Defendant.

CV 13-69-M-DWM-JCL

ORDER

Magistrate Judge Lynch recommends dismissing with prejudice Sara Noziska's complaint because she fails to state a claim, has named an improper defendant, and any claim she might have against the United States is barred on the basis of sovereign immunity. *See* 28 U.S.C. §§ 1915, 1915A.

Noziska had 14 days to file objections to Judge Lynch's Findings and Recommendation. She did not do so. So the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court finds no clear error. For the reasons given in the Findings and Recommendation, Noziska's complaint fails.

IT IS ORDERED that the Findings and Recommendations (doc. 6) is

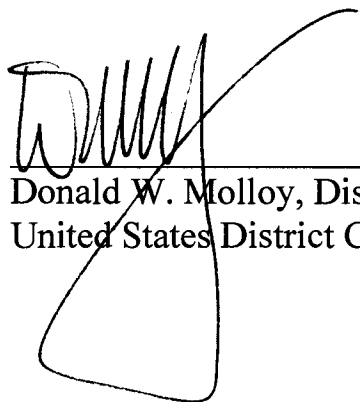
adopted in full.

IT IS FURTHER ORDERED that this matter is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this case and enter judgment under Federal Rule of Civil Procedure 58.

IT IS FURTHER ORDERED that the Clerk of Court shall note on the docket that this dismissal counts as a strike under 28 U.S.C. § 1915(g), based on Noziska's failure to state a claim.

IT IS FURTHER ORDERED that the Clerk of Court shall note on the docket that, under Federal Rule of Appellate Procedure 24(a)(3)(A), any appeal of this decision would not be taken in good faith.

Dated this 29th day of May 2013.



Donald W. Molloy, District Judge
United States District Court